



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,456	09/08/2003	Michael Hattersley	GP-03-01	9809

30349 7590 05/26/2010
JACKSON & CO., LLP
6114 LA SALLE AVENUE
#507
OAKLAND, CA 94611-2802

EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
----------	--------------

3691

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@jacolaw.com
docketing@jacolaw.com
mail@jacolaw.com

Office Action Summary	Application No. 10/657,456	Applicant(s) HATTERSLEY ET AL.	
	Examiner BIJENDRA K. SHRESTHA	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-20 are presented for examination. Applicant filed an amendment on 02/19/2010 amending claims 1-2, 6-7, 10-12 and 20. After careful consideration of applicant's arguments, new ground of rejections of claims necessitated by the applicant amendment has been established in the instant application as set forth in detail below. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hutchinson et al., U.S. Pub No. 2005/0102188 (reference A in attached PTO-892) in view of Writer et al., U.S. 2005/0097049 (reference B in attached PTO-892) further in view of Herziger, U.S. Pub No. 2002/0082994 (reference C in attached PTO-892) further in view of Tedesco et al., U. S. Patent No. 6,282,523 (reference D in attached PTO-892).

3. As per claim 1, Hutchinson et al. teach a method of providing underwriting and/or servicing of an financial account, comprising the steps of:

receiving account application *over a data network* information including a bank account information (see Fig. 7; 8A-D; Fig. 15, step 270-274; where account application is filled via web browser);

deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where the account uses bank electronic fund transfer to deposit fund, for example Automated Clearing House (ACH) and Fund Transfer Service such as CHEKFREE);

generating using the controller a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. do not teach transferring over the data network at least one randomly generated deposit amount to the bank account.

Writer et al. disclose two deposits of random values less than \$ 1.00 using private bank network maintained by Automated Clearing House (ACH) (Writer et al., paragraph [0013-0014]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow transferring over the data network at least one randomly generated deposit amount to the bank account of Hutchinson et al. because Writer et al. teach that including above features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach receiving over the data network a deposit verification amount, comparing using the controller the received deposit verification amount with the deposited at least one deposit amount.

Herziger teaches receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount (Herziger, Figs. 1 and 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount of Hutchinson et al. because Herziger teaches that including above features would enable user with deposit verification module to effectively manage deposit verification reducing amount of training needed to accomplish deposit verification and reducing processing error (Herziger, paragraph [0129]).

Hutchinson et al. do not teach a balance amount of the bank account is periodically verified.

Tedesco et al. teach a balance amount of the bank account is periodically verified (Fig. 5, step 508; Fig. 3, Available Balance (314); column 5, lines 21-46; where balance available for financial account is verified on each transaction related to the financial account).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow a balance amount of the bank account is periodically verified of Hutchinson et al. because Tedesco et al. teach that including above features

would enable to bank to be involve in transaction which provides amount of funds available or unavailable for use for the financial account (Tedesco et al., column 3, lines 13-15; 33-38).

Examiner notes that the claim language “ to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account” pertains to intended use recitation which do not carry any patentable weight (see MPEP Form Paragraph 07-37-09).

4. As per claim 2, Hutchison et al. teach claim 1 as described above. Hutchison further teach the method including

the step of receiving *over the data network* a periodic debit transaction amount (see paragraph [0048]; where financial (virtual) account uses bank electronic fund transfer using Automated Clearing House (ACH) standard; Examiner notes ACH allows periodic debit transaction amount).

5. As per claim 3, Hutchison et al. teach claim 2 as described above. Hutchison further teach the method wherein

the periodic debit transaction amount is configured to be periodically debited from the bank account electronically to the financial account (see paragraph [0048] and claim 2).

6. As per claim 4, Hutchison et al. teach claim 3 as described above. Hutchison further teach the method wherein

the periodic debit transaction is performed at 30 day interval (see paragraph [0048]; where ACH allows debit transaction for any specific period of interval).

7. As per claim 5, Hutchison et al. teach claim 2 as described above. Hutchison further teach the method wherein

the periodic debit transaction amount includes one of a full balance of the financial account, a minimum payment amount of the financial account, and a minimum payment amount of the financial account plus a predetermined payment amount (see Fig. 10A-10C).

8. As per claim 6, Hutchison et al. teach claim 1 as described above. Hutchison further teach the method including

the step of performing *using the controller* credit verification based on the received account application information (see Figs. 2 and 7, Credit Processing Server (53); paragraph [0049]; Fig. 16, steps 285-289).

9. As per claim 7, Hutchison et al. teach claim 6 as described above. Hutchison further teach the method wherein the step of performing credit verification includes the steps of:

transmitting *over the data network* the account application information to a credit bureau (see Fig. 2, Credit Bureau (58); Figs.16 and 22); and

receiving *over the data network* a credit history information corresponding to said transmitted account application information (see Fig. 2, Financial Institution (59); Fig. 21).

10. As per claim 8, Hutchison et al. teach claim 7 as described above. Hutchison further teach the method wherein

the credit history information includes a numeric representation of the account application information (see Fig. 16, steps 286 and 287).

11. As per claim 9, Hutchison et al. teach claim 1 as described above. Hutchison further teach the method wherein

the financial account is a credit card account (see Fig. 7; 8E).

12. As per claim 10, Hutchison et al. teach claim 1 as described above. Hutchison further teach the method including

the step of generating *using the controller* a financial account default notification when the balance amount of the linked bank account falls below a predetermined minimum level (see paragraph [0130]; where standard late payment processing, such as late notices, finance charges, etc are performed by payment processing subsystem if buyer do not pay as agreed).

13. As per claim 11, Hutchison et al. teach claim 10 as described above. Hutchison further teach the method including

the step of transmitting *over the network* said financial account default notification (see paragraph [0130]; where default notification include charging interest, late notices or finance charges is transmitted to buyer by payment processing subsystem).

14. As per claim 12, Hutchison et al. teach a system for providing underwriting and/or servicing of an financial account, comprising:

a data network (see Fig. 2);

a user terminal operatively coupled to said data network configured to transmit and receive data therefrom (see Fig. 2, Buyer (50));

a server terminal operatively coupled to said data network (see Fig. 2; Seller Server (51)), said server terminal further configured to:

receive account application information including a bank account information from said user terminal (Fig. 2; Fig. 7, steps 100-104);

deposit at least one deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where buyer account must be prepaid which could be deposited by ACH or traditional bank check); and

generate a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. do not teach deposit verification requirement for electronically linking the bank account.

Writer et al. disclose two deposits of random values less than \$ 1.00 for linking bank account with PayPal account using private bank network maintained by Automated Clearing House (ACH) (Writer et al., paragraph [0013-0014]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow deposit verification requirement for electronically linking the bank account of Hutchinson et al. because Writer et al. teach that including above

features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach receive a deposit verification amount, compare the received deposit verification amount with the deposited at least one deposit amount.

Herziger teaches receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount (Herziger, Fig. 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount of Hutchinson et al. because Herziger teaches that including above features would enable user with deposit verification module to effectively manage deposit verification reducing amount of training needed to accomplish deposit verification and reducing processing error (Herziger, paragraph [0129]).

Hutchinson et al. do not teach a balance amount of the bank account is periodically verified.

Tedesco et al. teach a balance amount of the bank account is periodically verified (Fig. 5, step 508; Fig. 3, Available Balance (314); column 5, lines 21-46; where balance available for financial account is verified on each transaction related to the financial account).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow a balance amount of the bank account is periodically

Art Unit: 3691

verified of Hutchinson et al. because Tedesco et al. teach that including above features would enable to bank to be involve in transaction which provides amount of funds available or unavailable for use for the financial account (Tedesco et al., column 3, lines 13-15; 33-38).

Examiner notes that the claim language “ to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account” pertains to intended use recitation which do not carry any patentable weight (see MPEP Form Paragraph 07-37-09).

15. As per claim 13, Hutchison et al. teach claim 12 as described above. Hutchison further teach the system wherein

the server terminal is further configured to receive a periodic debit transaction amount from the user terminal (see paragraph [0048]; where financial (virtual) account uses bank electronic fund transfer using ACH standard; Examiner notes ACH allows periodic debit transaction amount).

16. As per claim 14, Hutchison et al. teach claim 13 as described above. Hutchison further teach the system wherein

the server terminal is configured to periodically debited said periodic debit transaction amount from the linked bank account electronically to the financial account (see paragraph [0080] and claim 13 above).

17. As per claim 15, Hutchison et al. teach claim 14 as described above. Hutchison further teach the system wherein

the periodic debit transaction is performed at 30 day interval (see paragraph [0048]; where ACH allows debit transaction any specific period).

18. As per claim 16, Hutchison et al. teach claim 13 as described above. Hutchison further teach the system wherein

the periodic debit transaction amount includes one of a full balance of the financial account, a minimum payment amount of the financial account, or a minimum payment amount of the financial account plus a predetermined payment amount (see Fig. 10A-10C).

19. As per claim 17, Hutchison et al. teach claim 12 as described above. Hutchison further teach the system wherein the server terminal is further configured to:

transmitting the account application information to a credit bureau (see Fig. 16, Fig. 22); and

receiving a credit history information corresponding to said transmitted account application information (see Fig. 21).

20. As per claim 18, Hutchison et al. teach claim 12 as described above. Hutchison further teach the system wherein

the financial account is a credit card account (see Fig. 7; 8E).

21. As per claim 19, Hutchison et al. teach claim 12 as described above. Hutchison further teach the system wherein

the server terminal is configured to:

generate a financial account default notification when the balance amount of the linked bank account falls below a predetermined minimum level (see Fig. 2; paragraph

[0130]; where financial institution (59) will generate default notification which include late notices, finance charges); and

transmit said account default notification to the user terminal (see Fig. 2; paragraph [0130]; where financial institution (59) issues late notices or levy finance charge to user through data network).

22. As per claim 20, Hutchison et al. teach a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method of providing underwriting and/or servicing of a financial account (see Fig. 2; paragraph [0055]), comprising the steps of:

receiving account application information including a bank account information (Fig. 2; Fig. 7, steps 100-104);

depositing at least one deposit amount to the bank account corresponding to the received bank account information (see Fig. 9C and 10C, Prepay; paragraph [0048] and [0085]; where buyer account must be prepaid which could be deposited by ACH or traditional bank check); and

generate a financial account corresponding to the received account application information (see Fig. 8E-G; Fig. 15, step 265), where the financial account is electronically linked to the bank account (see paragraph [0011] and [0048]).

Hutchinson et al. do not teach deposit verification requirement for electronically linking the bank account.

Writer et al. disclose two deposits of random values less than \$ 1.00 for linking bank account with PayPal account using private bank network maintained by Automated Clearing House (ACH) (Writer et al., paragraph [0013-0014]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow deposit verification requirement for electronically linking the bank account of Hutchinson et al. because Writer et al. teach that including above features would enable to verify identity of checking account holder and its transactions (Writer et al., paragraph [0013-0014]).

Hutchinson et al. do not teach receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount.

Herziger teaches receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount (Herziger, Fig. 8, paragraph [0127]).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow receiving a deposit verification amount, comparing the received deposit verification amount with the deposited at least one deposit amount of Hutchinson et al. because Herziger teaches that including above features would enable user with deposit verification module to effectively manage deposit verification reducing amount of training needed to accomplish deposit verification and reducing processing error (Herziger, paragraph [0129]).

Hutchinson et al. do not teach a balance amount of the bank account is periodically verified.

Tedesco et al. teach a balance amount of the bank account is periodically verified (Fig. 5, step 508; Fig. 3, Available Balance (314); column 5, lines 21-46; where balance available for financial account is verified on each transaction related to the financial account).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to allow a balance amount of the bank account is periodically verified of Hutchinson et al. because Tedesco et al. teach that including above features would enable to bank to be involve in transaction which provides amount of funds available or unavailable for use for the financial account (Tedesco et al., column 3, lines 13-15; 33-38).

Examiner notes that the claim language “to confirm that the balance amount is equal to or greater than an outstanding balance amount of the financial account” pertains to intended use recitation which do not carry any patentable weight (see MPEP Form Paragraph 07-37-09).

Response to Arguments

New ground of rejections of claims necessitated by the applicant amendment has been established in the instant application. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3691

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Bent et al. (U.S. Pub 2005/0108149) teach system and method for managing client accounts.

Fleischl et al. (U.S. Patent No. 6,038,552) teach method and apparatus to process combined credit and debit transactions.

Gross (U.S. Patent No. 6,721,716) teaches payment certification string and related electronic payment system and method.

Hogan (U.S. Patent No. 5,557,516) teaches system and method for conducting cashless transactions.

Grant et al. (U.S. Patent No. 4,694,397) teach banking/Brokerage computer interface system.

Kavoun (U.S. Pub No. 2004/0148251) teaches method and system for providing funds for on-line gaming.

Knapp (U.S. Pub No. 2004/0193537) teaches system and method for enhancing financial institution revenues through accelerated of debit processing.

Lindsay Brown (U.S. Pub No. 2006/0212393) teaches payment system and method.

McCoy et al. (U.S. Patent No. 6,932,268) teach dual mode credit card based payment technique.

Paschini et al. (U.S. Patent No. 7,131,578) teach system and method for electronic prepaid account replenishment.

Resnick et al. (U.S. Patent No. 6,185,545) teach electronic payment system utilizing intermediary account.

Roberts, E. (Credi Union Journal, February, 2002) discloses random deposits to verify account ownership.

Wilkes (U.S. Pub No. 2004/0153399) teaches linking a merchant account with a financial card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)

270-1374. The examiner can normally be reached on 7:00AM-4:30PM(Monday-Friday);
2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander Kalinowski/
Supervisory Patent Examiner, Art
Unit 3691

/Bijendra K. Shrestha/
Examiner, Art Unit 3691
05/17/2010